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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/494,444	01/31/2000	Mahesh B. Bhuta	CM02999J	3427

7590 11/19/2002

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EXAMINER

NGUYEN, TU X

ART UNIT PAPER NUMBER

2682

DATE MAILED: 11/19/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/494,444

Applicant(s)

BHUTA ET AL.

Examiner

Tu X Nguyen

Art Unit

2682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

2. Claims 1-4, 6-14, 16-21, 23-25 and 27-28, are rejected under 35 U.S.C. 102(e) as being anticipated by Slotznick (US Patent 6,011,537).

As to claims 1, 18, 25 and 28, Slotznick discloses a system for the wireless transmission and receiving of commands and information for display by the receiver in response to the commands, comprising:

- a. a receiver (204, fig.11);
- b. a transmitter (202, fig.11);
- c. said transmitter including an encoder (inherently) for encoding (see col.7 lines 1-2) into a data packet graphical image data and at least one command for the display of said graphical image data (see col.8 line 44 through col.9 line 20);
- d. said transmitter including a wireless transmitter for wireless transmission of said data packet to said receiver (46, fig.3);
- e. said receiver including a wireless receiver for wireless receiving of said data storing said data in said data packet (see col.15 lines 14-30);
- g. a controller electrically coupled to said memory (218, 208, fig. 11);

h. a display connected to said controller (214, fig.11);

i. said controller in response to said image and said at least one command in said data packet dynamically displaying on said display said image represented by said graphical image data (see abstract and col.8 lines 30-42).

As to claims 2-3, 6, 9 and 19-20, Slotznick discloses said controller modifies said image and displays said images as a series of space related images (see col.11 lines 64 through col.13 line 33).

As to claims 4 and 21, Slotznick discloses receiver includes a transmitter controller for transmitting to said transmitter a request signal to establish a communication channel (inherently) and said transmitter interrupts said transmission of said data packet in response to receiving said request signal (see col.10 line 49 through col.11 line 5).

As to claims 7, 10-11 and 23, Slotznick discloses at least one command in said data packet is for display of said image at predetermined intervals of time (see col.9 lines 22-53).

As to claim 8, Slotznick discloses at least one command in said data packet is for the display of said image at predetermined times of the day (see col. 16 lines 9-27).

As to claims 13-14, Slotznick discloses at least one command is for the removal of said graphical display data at a predetermined time (see col.10 lines 62-66).

As to claims 16 and 27, Slotznick discloses said transmitter includes a data base of attributes for respective receivers and said controller is connected to said data base for identifying a respective attributes and including in said data packet a predetermined

command in response to said respective attribute (see 15 line 37 through col.16 line 60), the examiner interprets "cookie" correspond to attribute.

As to claim 17, Slotzmick further disclose said data packet includes a repeat command and said receiver controller repeats the display of sia image in response to said repeat command (see col.9 lines 21-53), the examiner interprets "continue" correspond to "repeat".

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 5, 15, 22 and 26, are rejected under 35 U.S.C. 103(a) as being unpatentable over Slotznick and further in view of Comer (US Patent 6,154,648).

As to claims 5, 15, 22 and 26, Slotznick fails to disclose said transmitter controller queries the state of said receiver to determine if said receiver is in an idle or busy mode and transmits said data packet to said receiver in response to an indication said receiver is idle.

Comer discloses said transmitter controller queries the state of said receiver to determine if said receiver is in an idle or busy mode and transmits said data packet to said receiver in response to an indication said receiver is idle (see col.7 lines 16-29 and col.25 lines 6-46). Therefore, It would have been obvious to one of ordinary skill in the

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art at the time the invention was made to modify the system of Slotznick with the above teaching of Comer in order to provide flexible in the size of data packets and to accommodate the user's need for the communication of an expanded data message.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tu Nguyen whose telephone number is (703) 305-3427. The examiner can normally be reached on Monday through Friday from 8:30 a.m. to 5:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin, can be reached at (703) 308-6739.

Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center 2600 Customer Service Office at (703) 306-0377.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231


or faxed to:

(703) 872-9314 (Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

TN

November 13, 2002


VIVIAN CHIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600
11/15/02